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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 WILLIAM CURRY,
9 Plaintiff,

10 v.

11 BRIAN W. JUDD, PH.D., P.C.,
12 Defendant.

Case No. C09-5567BHS

ORDER OVERRULING
PLAINTIFF'S OBJECTIONS AND
ADOPTING REPORT AND
RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation of the
14 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 8) and Petitioner's
15 Objections to the Report and Recommendation (Dkt. 9).

16 On October 21, 2009, Plaintiff filed a Civil Rights Complaint under 42 U.S.C. §
17 1983. Dkt. 6. Judge Strombom summarized the complaint and allegations as follows:

18 Mr. Curry alleges that on September 25, 2006, Dr. Judd performed a
19 psychological evaluation to determine if Plaintiff fit the criteria for civil
20 detention as a sexually violent predator and that in doing so, Dr. Judd used
21 "junk science" in formulating his conclusion that Mr. Curry meets the criteria
22 of a sexually violent predator. [Dkt. 6], p. 7. Mr. Curry claims that Dr. Judd's
23 diagnosis was made in error and asserts claims against him, including fraud,
24 conspiracy, deliberate indifference, negligence, malpractice and violation of
25 the Fifth, Eighth and Fourteenth Amendments. *Id.*, p. 11. Mr. Curry seeks an
26 "unconditional release," and \$10,000.00 in damages from Dr. Judd. *Id.*, p. 12.


27 Dkt. 8 at 1-2. Judge Strombom found that the action was not cognizable under 42 U.S.C. §
28 1983 and recommended that the complaint be dismissed without prejudice prior to service.
Id. at 1.

1 On November 6, 2009, Plaintiff filed objections. Dkt. 9. Plaintiff raises numerous
2 objections to his complaint being dismissed but fails to provide any reasons or arguments
3 regarding the issue of whether he raises a cognizable claim. Therefore, the Court overrules
4 his objections.

5 The Court having considered the Report and Recommendation, Plaintiff's objections,
6 and the remaining record, does hereby find and order:

- 7 (1) The Court **OVERRULES** Plaintiff's Objections;
8 (2) The Court adopts the Report and Recommendation; and
9 (3) This action is **DISMISSED** because Plaintiff has failed to state a cognizable
10 claim under 42 U.S.C. § 1983.

11 DATED this 10th day of December, 2009.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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